

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

FABRICE TOURRE,

Defendant.

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: 10 Civ. 3229 (KBF)
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: ECF Case
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DECLARATION OF CHRISTIAN D. H. SCHULTZ

CHRISTIAN D. H. SCHULTZ, an attorney, declares and states as follows:

1. I am a member in good standing of the bars of the States of Illinois, Arizona, Texas and the District of Columbia and am employed as a litigation attorney in the Division of Enforcement of the Securities and Exchange Commission (the "SEC") in its Washington, D.C. headquarters. I act as a litigation and trial attorney on behalf of the SEC in civil enforcement actions filed against persons and entities alleged to have committed violations of the United States securities laws. I serve as one of the attorneys for the SEC in *Securities and Exchange Commission v. Fabrice Tourre*, Case No. 10-cv-3229(KBF), in the United States District Court for the Southern District of New York. I make this Declaration in Opposition to Defendant Fabrice Tourre's to Defendant's Motion to Preclude the SEC's Reliance on the January 17 Call and to Strike the January 17 Call and Related Exhibits.

2. Attached as Exhibit 1 is a true and correct copy of Plaintiff's Deposition Exhibit 24 in this matter.

3. Attached as Exhibit 2 is a true and correct copy of an excerpt from the deposition of Fabrice Tourre, dated February 17, 2011.

4. Attached as Exhibit 3 is a true and correct copy of a document produced by Goldman Sachs to the SEC during the investigation of this matter.

5. Attached as Exhibit 4 is a true and correct copy of a transcript of a telephone conversation, dated January 1, 2007, between Gail Kreitman and Lucas Westreich.

6. Attached as Exhibit 5 is a true and correct copy of Plaintiff's Deposition Exhibit 126 in this matter.

7. Attached as Exhibit 6 is a true and correct copy of a document produced by ABN AMRO to the SEC during the investigation of this matter.

8. Attached as Exhibit 7 is a true and correct copy of a letter, dated March 22, 2013, from Pamela Rogers Chepiga, counsel for Fabrice Tourre, to Judge Katherine B. Forrest.

9. Attached as Exhibit 8 is a true and correct copy of a letter, dated December 7, 2012, from David B. Hennes, counsel for ACA, to Andrew Rhys Davies, counsel for Fabrice Tourre.

10. Attached as Exhibit 9 is a true and correct copy of a letter, dated December 14, 2012, from David B. Hennes to Andrew Rhys Davies.

11. Attached as Exhibit 10 is a true and correct copy of an excerpt from the ACA October 2008 Telephone Log.

12. Attached as Exhibit 11 is a true and correct copy of an email, dated January 11, 2013 from Matthew T. Martens to Andrew Rhys Davies.

13. Attached as Exhibit 12 is a true and correct copy of an email, dated February 1, 2013 from Matthew T. Martens to Andrew Rhys Davies.

14. Attached as Exhibit 13 is a true and correct copy of Plaintiff's Initial Disclosures Pursuant to Rule 26(a)(1), dated August 9, 2010.

15. Attached as Exhibit 14 is a true and correct copy of the Initial Disclosures of Defendant Fabrice Tourre, dated August 9, 2010.

16. Attached as Exhibit 15 is a true and correct copy of a subpoena from Fabrice Tourre to ACA, dated November 24, 2010.

17. Attached as Exhibit 16 is a true and correct copy of an email, dated May 13, 2011 from Allie Cheatham, of Allen & Overy LLP, to David B. Hennes, with attached draft letter from Pamela Rogers Chepiga to Magistrate Judge Michael H. Dolinger.

18. Attached as Exhibit 17 is a true and correct copy of an email string, dated from May 24, 2011 to June 8, 2011, between Allie Cheatham and David B. Hennes.

19. Attached as Exhibit 18 is a true and correct copy of an email, dated November 15, 2012, from Matthew T. Martens to Pamela Rogers Chepiga.

20. Attached as Exhibit 19 is a true and correct copy of a letter, dated November 16, 2012, from Andrew Rhys Davies to David B. Hennes.

21. Attached as Exhibit 20 is a true and correct copy of a letter dated November 30, 2012, from David B. Hennes to Andrew Rhys Davies.

22. Attached as Exhibit 21 is a true and correct copy of a letter, dated December 10, 2012, from Andrew Rhys Davies to David B. Hennes.

23. Attached as Exhibit 22 is a true and correct copy of an email, dated February 11, 2013 from Richard H. Klapper to Matthew T. Martens.

24. Attached as Exhibit 23 is a true and correct copy of an email, dated January 18, 2013 from Matthew T. Martens to Andrew Rhys Davies.

25. Attached as Exhibit 24 is a true and correct copy of the transcript of a telephone hearing, held on March 21, 2013 in the case of *SEC v. Tourre*, Case No. 10 Civ. 3229, in the United States District Court for the Southern District of New York.

26. Attached as Exhibit 25 is a true and correct copy of an email, dated March 21, 2013 from Christian D. H. Schultz to Pamela Rogers Chepiga.

27. Attached as Exhibit 26 is a true and correct copy of Plaintiff's Deposition Exhibit 28 in this matter.

28. Attached as Exhibit 27 is a true and correct copy of a document produced by ACA to the SEC during the investigation of this matter.

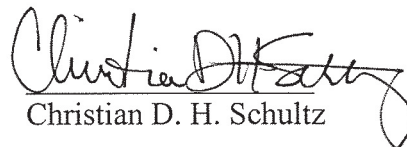
29. Attached as Exhibit 28 is a true and correct copy of Plaintiff's Deposition Exhibit 127 in this matter.

30. Attached as Exhibit 29 is a true and correct copy of Plaintiff's Deposition Exhibit 129 in this matter.

31. Attached as Exhibit 30 is a true and correct copy of a document produced by ACA to the SEC during the investigation of this matter.

32. Attached as Exhibit 31 is a true and correct copy of a document produced by ACA to the SEC during the investigation of this matter.

I declare under penalty of perjury
that the foregoing is true and correct.
Executed on April 5, 2013.


Christian D. H. Schultz